

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

REDACTED

GTECH CORPORATION,

Plaintiffs,

v.

SCIENTIFIC GAMES INTERNATIONAL, INC.,
SCIENTIFIC GAMES HOLDINGS
CORPORATION, SCIENTIFIC GAMES
FINANCE CORPORATION, and SCIENTIFIC
GAMES CORPORATION,

Defendants.

Civil Action No. 04-138-JJF

~~Confidential~~
~~Outside Counsel's Eyes Only~~

DECLARATION OF BRIAN J. ROBERTS

1. I am currently employed as a senior manager of creative content development at GTECH Corporation ("GTECH"). I was previously employed as director of business development at Interlott Technologies Inc. ("Interlott"), from 2001 until Interlott was acquired by GTECH corporation at the end of 2003, at which time I joined GTECH. Prior to that, I was vice president at OnPoint Technologies ("OnPoint"), from 1994 until Interlott acquired OnPoint's ITVM Business in 2001, at which time I joined Interlott. OnPoint had previously been named LEI.

2. Instant ticket vending machines ("ITVMs") were produced and sold by OnPoint. I am familiar with the design of the ITVM's made by OnPoint during my tenure there, as well as the manufacturing process used for making them. OnPoint manufactured instant ticket vending machines which showed strips of actual "live" lottery tickets to customers through transparent windows. These machines did not have bursters; rather they employed "tear technology" for

ticket separation. These machines included the ITR-7500 and ITR-8500 model machines. The procedure for manufacturing these machines included attaching a patent marking label including the number for U.S. Patent No. 5,222,624. To the best of my knowledge, all the machines showing strips of actual "live" lottery tickets through transparent windows that were made by OnPoint during my tenure there were so marked. To the best of my knowledge, no such machines were produced without a patent marking label. A copy of a photograph of an ITR 7500 machine is attached as Exhibit A. A copy of a photograph the patent label affixed to the back of the machine is attached as Exhibit B.

3. OnPoint also developed and manufactured a prototype ITVM, named PlayPoint, that did not display strips of live tickets behind transparent windows. Rather, the PlayPoint used pushbuttons that allowed sample tickets to be inserted, similar to machines made by Interlott and GTECH today. To the best of my knowledge, the PlayPoint was not marked with the number for U.S. Patent 5,222,624.

4. Instant Ticket Vending Machines (ITVMs) were produced at Interlott's Mason, Ohio facility ("Mason") until it was acquired by GTECH. GTECH continued to manufacture machines at Mason until August of 2004. Since beginning of 2002, the models of ITVMs produced at Mason included at least the TTS, the EDS, and the EDS-Q, as well as OnPoint ITR-8500s. The TTS, EDS, and EDS-Q machines manufactured at Mason included push-buttons that allowed a sample ticket to be inserted for display, but did not show strips of live instant tickets through a transparent window. I am familiar with the ITVMs made at Mason during this time period.

5. GTECH began producing ITVMs in its West Greenwich, Rhode Island facility in July of 2004. The models of ITVMs produced by GTECH in Rhode Island are/were include at least the

TTS, the EDS-Q, and the GamePoint. The TTS, EDS-Q, and GamePoint machines manufactured by GTECH in Rhode Island all include push-buttons that allowed a sample ticket to be inserted for display but did not show strips of live instant tickets through a transparent window. I am familiar with the ITVMs produced by GTECH in Rhode Island during this time period.

6. The manufacturing process for TTS model ITVMs produced at Mason since at least the beginning of 2002 included affixing a patent marking plate including the number of U.S. Patent No. 4,982,337. To the best of my knowledge, all TTS model ITVMs produced at Mason since the beginning of 2002 were so marked. I am unaware of any TTS model ITVM produced at Mason since the beginning of 2002 that was not so marked. The marking plate for the TTS model ITVM was affixed inside the upper front door of the machine, and is visible when the door is opened to load tickets into the machine. A copy of a photograph of a TTS machine assembled at Mason is attached as Exhibit C. A copy of a photograph of the patent marking plate on the example TTS machine is attached as Exhibit D. An example Bill of Materials for a TTS machine which includes an entry for the patent label is attached as Exhibit E. A copy of photographs of another older TTS machine manufactured by Interlott and of the marking plate on that machine are attached as Exhibit F.

7. The manufacturing process for EDS model ITVMs produced at Mason since at least the beginning of 2002 included affixing a patent marking plate including the number of U.S. Patent No. 4,982,337. To the best of my knowledge, all EDS model ITVMs produced at Mason since at least the beginning of 2002 were so marked. I am unaware of any EDS model ITVM produced at Mason since the beginning of 2002 that was not so marked. The marking plate for the EDS model ITVM was affixed inside the upper front door of the machine, and is visible when the

door is opened to load tickets into the machine. A copy of a photograph of an EDS machine assembled at Mason is attached as Exhibit G. A copy of a photograph of the patent marking plate on the example EDS machine is attached as Exhibit H. An example Bill of Materials for a EDS machine which includes an entry for the patent label is attached as Exhibit I.

8. The manufacturing process for EDS-Q model ITVMs produced at Mason since at least the beginning of 2002 included affixing a patent marking plate including the number of U.S. Patent No. 4,982,337. To the best of my knowledge, all EDS-Q model ITVMs produced at Mason since at least the beginning of 2002 were so marked. I am unaware of any EDS-Q model ITVM produced at Mason since the beginning of 2002 that was not so marked. The marking plate for the EDS-Q model ITVM was affixed inside the upper front door of the machine, and is visible when the door is opened to load tickets into the machine, although some labels may have been affixed to the back of the machine. A copy of a photograph of an EDS-Q machine assembled at Mason is attached as Exhibit J. A copy of a photographs of the patent marking plate on the example EDS-Q machine is attached as Exhibit K. An example Bill of Materials for a EDS-Q machine which includes an entry for the patent label is attached as Exhibit L.

9. The manufacturing process for TTS model ITVMs produced at GTECH's Rhode Island facility included affixing a patent marking plate including the number of U.S. Patent No. 4,982,337. To the best of my knowledge, all TTS model ITVMs produced by GTECH were so marked. I am unaware of any TTS model ITVM produced at GTECH's Rhode Island facility that was not so marked. The marking plate was affixed to the back of the machine.

10. The manufacturing process for EDS-Q model ITVMs produced at GTECH's Rhode Island facility included affixing a patent marking plate including the number of U.S. Patent No.

4,982,337. To the best of my knowledge, all EDS-Q model ITVMs produced by GTECH were so marked. I am unaware of any EDS-Q model ITVM produced by GTECH that was not so marked. The marking plate was affixed to the back of the machine. A copy of a photograph of a EDS-Q machine assembled at GTECH's Rhode Island facility is attached as Exhibit M. A copy of a photograph of the patent marking plate on the example EDS-Q machine is attached as Exhibit N.

11. The manufacturing process for GamePoint model ITVMs produced at GTECH's Rhode Island facility included affixing a patent marking plate including the number of U.S. Patent No. 4,982,337. To the best of my knowledge, all GamePoint model ITVMs produced by GTECH were so marked. I am unaware of any GamePoint model ITVM produced by GTECH that was not so marked. The marking plate was affixed to the back of the machine.

12. After Interlott acquired OnPoint's ITVM business in 2001, some OnPoint model ITR-8500 ITVMs were manufactured in Mason using the existing inventory of parts acquired from OnPoint to satisfy OnPoint contracts that were pending when Interlott acquired OnPoint's ITVM business. The ITR-8500 did not include a burster and, therefore, to the best of my knowledge, was not marked with U.S. Patent No. 4,982,337. The ITR-8500 showed strips of actual lottery tickets to customers through transparent windows.

13. The manufacturing process for ITR-8500 model ITVMs produced at Mason included affixing a patent marking label including the number of U.S. Patent No. 5,222,624. The marking label was affixed to the back of the machine. To the best of my knowledge, all ITR-8500 machines produced at Mason were so marked. I am unaware of any ITR-8500 model ITVM produced at Mason that was not so marked. A copy of a photograph of an ITR-8500 assembled

at Mason is attached to Exhibit O. A copy of a photograph of the patent marking label affixed to the machine shown is attached to Exhibit P. The label shown in the photograph includes the number of U.S. Patent No. 5,222,624, but because of the small type and glossy surface, it was difficult to obtain a clear photograph. An example bill of materials for an ITR-8500 manufactured by Interlott, including an entry for the patent label, is attached as Exhibit Q.

14. GTECH and Interlott also manufactured a small number of GameGuard in-counter agent operated ticket dispensing machines which displayed tickets through windows and used a burster. To the best of my knowledge, all GameGuard manufactured at both Mason and GTECH's Rhode Island facility had labels affixed which included the patent numbers of U.S. Patents No. 5,222,624 and 4,982,337.

15. To the best of my knowledge, since at least the beginning of 2002, neither GTECH nor Interlott ever manufactured ITVMs with bursters that were not marked with the number of U.S. Patent 4,982,337.

16. To the best of my knowledge, since at least the beginning of 2002, neither GTECH nor Interlott ever manufactured ITVMs showing strips of actual lottery tickets to customers through transparent windows that were not marked with the number of U.S. Patent 5,222,624.

17. Attached as Ex. R are photographs of another example of a patent marking plate as used on Interlott's ITVM's showing the number of U.S. Patent No. 4,982,337.

I declare, under penalty of perjury, that the foregoing is true and correct.

Respectfully submitted,

Dated: Dec. 2, 2005

/s/ Brian J. Roberts

Brian J. Roberts

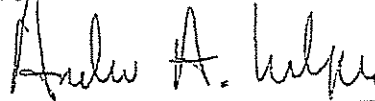
CERTIFICATE OF SERVICE

I, Andrew A. Lundgren, Esquire, hereby certify that on December 2, 2005, I caused to be electronically filed a true and correct copy of the foregoing document with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record:

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I further certify that on December 2, 2005, I caused a copy of the foregoing document to be served by hand delivery on the above-listed counsel of record.

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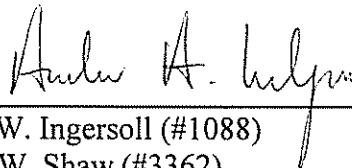
CERTIFICATE OF SERVICE

I, Andrew A. Lundgren, Esquire, hereby certify that on December 9, 2005, I caused to be electronically filed a true and correct copy of the foregoing document with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record:

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I further certify that on December 9, 2005, I caused a copy of the foregoing document to be served by hand delivery on the above-listed counsel of record.

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